

October 22, 2002

Thomas J. Krueger, Esq.
Associate Regional Counsel
U. S. Environmental Protection Agency, Region 5
77 W. Jackson Blvd., 13th FL
Chicago, IL 60604

Re: Suburban Self Storage
2333 Wisconsin Avenue
Downers Grove, Illinois
DuPage County
Ellsworth Industrial Park

Dear Mr. Krueger:

This is a follow-on letter to my letter dated October 9, 2002, and responding to the U.S. Environmental Protection Agency, Region V's ("EPA") Special Notice Letter re the "Ellsworth Industrial Park Site," dated October 11, 2002. In my earlier letter I provided you and Mr. Enwiya (EPA Remedial Project Manager) with evidence which demonstrates that Suburban Self Storage ("Suburban")¹ is not responsible for and did not contribute to the chlorinated solvent-related contamination EPA has identified elsewhere in Ellsworth Industrial Park.

The evidence assembled in that letter and the facts stated therein remain correct. Suburban's property has not been shown to be contaminated with chlorinated solvents. Our research of the property's historical use, which included reviews of the prior subject property owners' Hazardous Waste Activity forms and a Resource Conservation and Recovery Act ("RCRA") closure report, do not show that chlorinated solvents were ever used or stored on the subject property. When it purchased the subject property Suburban obtained an affidavit from the property seller stating that there are no violations on this property of any environmental regulations including the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9,601, et seq., as amended (CERCLA). I also stated in my letter to EPA that Suburban has never used any hazardous materials on the subject property. Thus, there is no current or historically on-site source of chlorinated solvent contamination.

¹ Suburban Self Storage is a business operated by Suburban Moving and Storage Company, which is located at 2333 Wisconsin Avenue in Downers Grove, Illinois (subject property).

Suburban has no actual or constructive knowledge of a release of chlorinated solvents on its property. Suburban is, at most, a current landowner that did not contribute to any contamination. Accordingly, I requested that EPA take steps to remove Suburban from its list of Potentially Responsible Parties ("PRPs") as Suburban is not a "covered person" nor an "owner or operator" as defined in 42 U.S.C. § 9607, and therefore does not qualify as a PRP.

Notwithstanding my letter of October 9, 2002, EPA has continued to identify landowners in Ellsworth Industrial Park, including Suburban, whether or not they contributed to or have property that has been contaminated by chlorinated solvents, as PRPs in its efforts to assign responsibility and liability for the chlorinated solvent cleanup. I understand that EPA's investigation to identify the actual responsible parties is ongoing and may continue for some time. EPA has been made aware of the collateral harm that it causes by merely including a business on its list of PRPs, as there are those who immediately seek from all businesses listed as PRPs restitution for real and perceived harm they claim has resulted from chlorinated solvent contamination. It is for this reason, and since Suburban is a current landowner and not a covered person or owner or operator, that Suburban would like EPA to take action at the earliest date possible to remove it from the list of Ellsworth Industrial Park PRPs. Suburban also requests that EPA immediately acknowledge our letter of October 9th, and acknowledge that, based on the current evidence, Suburban appears to be only a current landowner and not a source of any hazardous material-related pollution.

With regard to EPA's Second Notice Letter, Suburban will cooperate in EPA's investigation into this matter by providing any records or information in its possession related to this matter to EPA's investigators. In addition, Suburban will permit EPA to have access to its property, with reasonable notice (seven business days) to take samples or to perform visual inspections in support of its investigation. Suburban would like to enter into an access agreement with EPA in advance of EPA inspectors' entry for inspection or sampling. While Suburban intends to cooperate with EPA, it does not intend to participate in any "good faith offer" or other proceeding as it is in no way liable for the contamination or related cleanup.

Suburban hereby renews its request to be removed from the list of PRPs for the chlorinated solvent contamination of Ellsworth Industrial Park and asks that EPA formally acknowledge my letter of October 9, 2002.

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Please contact me if you need any additional information regarding Suburban's use of the subject property, if you need any additional information from Suburban, or if your inspectors need to take samples from Suburban's property.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert K. Temple", with a long horizontal flourish extending to the right.

Robert K. Temple

RKT:rw

cc: Liberty Cooper & Wire c/o Litton Systems, Inc., Northrop Grumman Corp. (with
copy of our letter dated October 9, 2002)
MagneTek, Inc. (with copy of our letter dated October 9, 2002)